

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
**COMPANY PETITION NO. 20 OF 1984**

In the matter of Companies Act, I of 1956;

**AND**

In the matter of M/s. Rajan Textiles Mills

Pvt.Ltd. (In Liqn.)

M/s. Nagindas Kasturchand & Bros. .. Petitioners.

Shri D.D. Madon and A.V. Joshi,i/b. Mulla & Mulla  
advocate for Central Bank of India.

Shri Sakhare, Adv. for V.Barbole.

Shri C.Balsara, Raju Gawde Adv.for S. Pasari, ex-director.

Shri S.C. Gupta, O.L. present.

**CORAM: S.U. KAMDAR, J.**

**DATE : 16TH DECEMBER, 2004.**

**ORDER ON OFFICIAL LIQUIDATORS REPORT DT.1.8.2003 :**

1. In the present case it is an admitted position that the recovery proceedings are pending before the D.R.T. The said recovery proceedings are instituted by various banks and financial institutions. In view of the pendency of the said recovery proceedings which is initiated by the secured creditors, it is not possible to sanction the sale of the properties at the instance of Official Liquidator in the present winding-up proceedings. In my view the properties which are the

subject of security of the banks and financial institutions will have to be sold and disposed of by the recovery officer in pursuance of the recovery certificate issued by the D.R.T. under the provisions of The Recovery of Debts Due to Banks and Financial Institutions Act, 1993. In view thereof I reject the present report made by the Official Liquidator. However, I direct the Official Liquidator to hold the properties subject to the orders passed by the D.R.T. in the said recovery proceedings which are pending before it. It is made clear that the Official Liquidator will hand over the possession of the premise as per the direction of the D.R.T. subject to recovery of necessary security charges and other expenses incurred by the Official Liquidator for protecting the said property.

2. Mr. Madon, learned counsel appearing for the Central Bank of India however states that security charges up to date has been paid and he further states that few security charges are also paid as per the direction contained in this order. The Official Liquidator admits that up to date the security charges are already received by him from the secured creditors.

3. In the aforesaid view of the matter no orders are necessary on the report of the Official Liquidator dated 1.8.2003. The report is disposed of accordingly.

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No order as to costs.

SD/-

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